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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,742	01/12/2001	Ralf Hofmann	P-4356	9744

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EXAMINER
QUELER, ADAM M

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,7-10,13 and 15-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,7-10,13 and 15-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 08/10/2005

2. Claims 1, 3, 5, 7-10, 13, 15-24 are pending in the case. Claims 1, 3, 8, 10, 13, 18, 20, 21, and 24 are independent claims.

3. The rejection of claims 3, 13 and 20 under 35 U.S.C. 112, second paragraph, are withdrawn in view Applicant's arguments.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/10/2005 has been entered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The term "generic data format independent interface" is an indefinite limitation. The specification defines the "generic format independent interface" has a subset of an API, but does not provide any details how this limits the interface. Of question is how independent are the formats. The filters themselves are for transforming data to different formats. While it appears

they are intended to have XML as the independent format, XHTML and XSL are two different

formats of XML. Even interfaces that deal with a byte stream could deal with independent

formats, such as a Word document or PDF file. The only real meaning given to the term (which

cannot be read into the claims) is that it permits transfer of data from one filter to another.

Therefore, for examining purposes only, that meaning will be considered.

7.   Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting essential steps, such omission amounting to a gap between the steps. See MPEP

§ 2172.01. The omitted steps are: Using the comparison in some manner. The two formats are

compared but the comparison results are not included in the claim language.

8.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

9.   Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement.

The claim(s) contains subject matter which was not described in the specification in such

a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. If it is not known what is meant by a "generic data

format independent interface", as indicated above, then it seems unlikely that one of ordinary

skill in the art would be able to make or use such an interface with out undue experimentation. .

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1, 8-10, 18-20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayeh et al. (US006012098A patented 1/4/2000). Zeiger, "Servlet Essentials" is cited as evidence regarding servlets.**

Regarding independent claim(s) 1, 10, and 13, Bayeh teaches receiving a request for data (col. 4, ll. 23-29). Bayeh teaches retrieving a rule set for a plurality of filters, or servlets, (col. 9, ll. 46-63). The plain meaning of a filter registry, when viewed in light of the specification, is the location of the rule set, which inherently the rule set must be retrieved from. Upon being chained, the filters convert source data to requested data (col. 4, ll. 23-37). Bayeh teaches the filter is a chain of partial filters, each of which as a generic format independent interface that passes data from one to another (col. 9, ll. 30-46). Zeiger is cited as further evidence to that effect. Bayeh teaches that a subset of the data is processed (col. 12, ll. 7-12).

Regarding independent claim(s) 24, Bayeh teaches receiving a request for data (col. 4, ll. 23-29). Bayeh teaches supporting different formats and selecting the second format (col. 8, ll. 55-57). Bayeh teaches generating a filter by combining a first filter with a second filter (col. 9, ll. 30-45). Bayeh teaches a using an XSL style sheet to transform the one format to the other. As each element must be mapped to the other format, this broadly encompasses a comparison of the two formats. Bayeh teaches the filter converts source data from a first format to a second data format (col. 4, ll. 37-42).

Regarding independent claim(s) 8 and 18, Bayeh teaches receiving a request for data (col. 4, ll. 23-29). Bayeh teaches a partial filter library as part of the server (col. 7, ll. 36-38). Bayeh

teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8, ll. 36-64), wherein upon

being chained the filters convert source data to requested data (col. 4, ll. 23-37). This chain of

filters is the general partial filter adapter as set forth in the claim language. Bayeh teaches the

filter is a chain of partial filters, each of which as a generic format independent interface that

passes data from one to another (col. 9, ll. 30-46). Bayeh teaches input to the filter is a XSL

style-sheet that determines its functionality (col. 9, ll. 4-6). As the filter is a servlet object, its

input is passed through a parameter.

Regarding dependent claim(s) 9 and 19, Bayeh teaches input to the filter is a XSL style-sheet

that determines its functionality (col. 9, ll. 4-6). As the filter is a servlet object, its input is

passed through a parameter. As the filter processes an XSL stylesheet, equivalent to a

transformation script, it is deemed to be an XSL processor.

Regarding independent claim(s) 20, Bayeh teaches a partial filter library as part of the server

(col. 7, ll. 36-38). Bayeh teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8,

ll. 36-64), wherein upon being chained the filters convert source data to requested data (col. 4, ll.

23-37). The remainder of the components of the structure have no function claimed, and

therefore are considered non-functional descriptive data. See MPEP § 2112.01.III.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

13.   Claims 3, 5, 13, 15-16, and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bayeh.

Regarding independent claim(s) 3, 13 and 21, Bayeh teaches receiving a request for data (col.

4, ll. 23-29). Bayeh teaches a partial filter library as part of the server (col. 7, ll. 36-38). Bayeh

teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8, ll. 36-64), wherein upon

being chained the filters convert source data to requested data (col. 4, ll. 23-37). Bayeh teaches

the filter is a chain of partial filters, each of which as a generic format independent interface that

passes data from one to another (col. 9, ll. 30-46). Bayeh teaches the filter converts source data

from a first format to a second data format (col. 4, ll. 37-42).

Additionally, Bayeh teaches the client is a browser (col. 2, ll. 25-36). Bayeh does not

disclose a specific browser; therefore one of ordinary skill in the art would clearly turn toward an

accepted browser at the time of the invention. Official Notice is taken, that most browsers at the

time of the invention supported a plurality of formats, including at least HTML and text. It

would have been obvious to one of ordinary skill in the art at the time of the invention to turn to

the prior art for a browser as indicated by Bayeh.

Regarding dependent claim(s) 5 and 15, Bayeh teaches selecting a particular servlet based on

whether or not it is busy (col. 8, ll. 43-48). This amounts to a selection scheme that takes into

account conversion time, since pickling a non-busy servlet would decrease conversion time.

Regarding dependent claim(s) 16, Bayeh teaches the filter converts source data from a first

format to a second data format (col. 4, ll. 37-42).

14.   **Claims 7, 17, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Bayeh as applied to claims 1, 13, and 21 above, and further in view of Garshol, "Free

XML Software", (12/15/199).

Regarding dependent claim(s) 7, 17, and 22, Bayeh does not teach a Simple API for XML.

Garshol teaches a Simple API for XML (p. 22), which includes a plurality of filters that can

accept the input and output of themselves (p. 24, "Parser Filters"). It would have been obvious

to one of ordinary skill in the art at the time of the invention to replace Bayeh's servlets with

Garshol's filters, as SAX was a de facto standard at the time of the invention (p. 22, "SAX").

Regarding dependent claim(s) 23, SAX's interface is inherently an XML document handler

interface, as proven at least by Applicant's specification (p. 39).

Response to Arguments

15.   Applicant's arguments filed 08/10/2005 have been fully considered but they are not

persuasive.

Regarding Applicant's remarks on Claim(s) 1, 3, 5, 10, 13, 15-17, and 21:

        Applicant alleges that a library is not a registry. The Office did not intend to equate the

two; rather the library was cited as further explanation of the rejection. It has been removed and

the registry more expressly recited in the rejection.

        Applicant alleges that a generic data format independent interface is not taught by Bayeh.

Applicant states, "The fact that an applet has an API teaches nothing about how that API

transfers data or even that each applet has the same API." The Office assumes the Applicant

means the cited servlets, however, in either case the servlets and applets are APIs themselves.

Every servlet does have the same API, as that is they're primary function to provide a standard

interface. The Office has added a technical reference about servlets to the anticipation rejection

in the event that other alleged deficiencies in Bayeh's servlets may need to be inherently shown.

In either event, what is exactly meant by this term is unclear as noted in the §112 rejections

above, and the interface of Bayeh does meet the interface of the specification.

Regarding Applicant's remarks on Claim(s) 8, 9, 18, 19:

Applicant alleges that claim 8 was not examined on it's own merits. The Office notes that the

rejection of the claim recites some similar parts as the rejection of claim 1, as much as the claim

8 recites similar elements of claim 1, however, the rejections are different.

Regarding Applicant's remarks on claim(s) 20:

Applicant alleges that the holding of non-functional descriptive data is improper, and requests a

citation to the MPEP. Please see MPEP § 2112.01.III.

Regarding Applicant's remarks on claim 24:

Applicant alleges Bayeh does not teach a comparison. The rejection has been explained in more

detail. However, it is noted that the claim does not actually teach using the results of this

comparison in constructing the filter.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ

STEPHEN HONG
SUPERVISORY PATENT EXAMINER